IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1186/2006
(Ashwani Kumar Vs. Smt. Panku Devi & Anr.)

Date of Order : 11/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Deep Chand Sharma for the petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 18.8.2006 passed by Judicial Magistrate, Sumerpur (for short 'the trial court' hereinafter) whereby the trial court on failure to pay the arrears of monthly allowance of maintenance granted by the trial court in favour of non-petitioners, sentenced the petitioner to undergo one month's simple imprisonment as also ordered that if the petitioner deposits Rs.9600/-, he be released forthwith.

The petitioner failed to pay the monthly allowance of maintenance. Learned counsel for the petitioner submits that non-petitioner No.1 is living in adultery. This question cannot be gone into in the matter where the amount of arrears of monthly

allowance of maintenance is directed to be recovered under the provisions of Sub-section (3) of Section 125 Cr.P.C.

The petition has no force and is therefore, dismissed.

(H.R.PANWAR),J.

rp